

Dear Sirs:

Just a little empirical data for you to consider.

According to L. Lowery Mays, Clear Channel's CEO, during the January 30, 2003 Senate Commerce Committee hearing concerning media consolidation, in 2002 Clear Channel's 1200 stations introduced approximately 3000 new songs from either 250 or 550 artists. I could not find specific reference in the printed transcripts, so I will give them the benefit of the doubt and assume the higher (550) figure to be accurate.

In 2002, more than 33,000 new releases entered the market and this just reflects the releases recognized by the RIAA (Recording Industry Association of America). My own particular release is not counted among these, as are countless works by independent artists across the country.

Assuming the ability to play 10 songs per hour (30 to 45 minutes of air time) and taking into consideration the fact that Clear Channel owns 1200 stations (as per the Jan. 30 testimony), the following facts are indisputable.

- 1) A 12-hour (dawn to dusk) AM station can theoretically play 120 songs per day; in a year, this provides 43,800 potential "slots" in which to play a recorded song.
- 2) A 24-hour FM station could play 240 songs per day; 87,600 per year.
- 3) Clear Channel has 1200 stations. If ALL of their stations were AM and limited to dawn-to-dusk operations, they have the potential to play 52.56 million songs last year. Conversely, if all of their stations were 24-hour FM stations, the potential slots for music increases to 105.12 million.
- 4) Clear Channel introduced only 3000 new songs in 2000, yet some songs were played in excess of 350,000 times ("Complicated" by Avril Lavigne and Nickelback's "How You Remind Me").
- 5) The major labels have a total of approximately 7,500 artists. The independent acts total more than 64,000, which is the roster at one site alone ([www.GarageBand.com](http://www.GarageBand.com)). This information was provided to me directly by GarageBand's CEO, Ali Partovi.
- 6) Last year, Clear Channel's playlist reflected less than one percent of the country's recording artists and even a smaller percentage of the recorded songs released during the calendar year.

Please realize that the media consolidation is not only severely reducing the diversity of cultural offering created in our country, but the vast majority of the independent acts have no access to this broadcast media.

As a final note, please consider this. Don Henley has come before Congress to complain about the increasing costs of "independent promoters" to which payments must be made to ensure airplay. Despite the fact that Clear Channel intends to discontinue this practice in the near future, it is still in effect today.

If Don Henley cannot afford the payola, then the other 64,000 plus acts in the country which are not represented by a major label simply have virtually no chance whatsoever of receiving airplay.

Thank you for your consideration.